

JUL - 8 2010

U.S. DISTRICT COURT
W. DIST. OF N.C.

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION

Civil Action No. 1:09-cv-00369

PIRELLI TIRE, LLC,)	CONSENT JUDGMENT
)	
Plaintiff,)	
)	
TRACKSIDE RACERS SUPPLY, INC.)	
)	
)	
Defendant.)	
)	

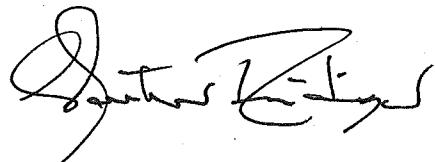
This action is before the Court on the parties' joint Motion for Entry of Consent Judgment. It appears to the Court that the defendant Trackside Racers Supply ("Trackside") has consented to the entry of this Consent Judgment in this action and that judgment may be entered in this action pursuant to Rules 41 and 54 of the Federal Rules of Civil Procedure;

IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED, with the consent of Defendant Trackside, that Pirelli Tire, LLC ("Pirelli") have and recover from Trackside the following:

1. The principal amount of \$221,392.72 owed on Trackside's Promissory Note to Pirelli, plus accrued interest in the amount of \$20,858.14, plus interest at the legal rate from the date of entry of this Consent Judgment;
2. Statutory attorneys' fees in the amount of \$24,250.08, which represents 15 percent of the first \$500.00 of principal and interest owing on the Promissory Note and 10 percent of the amount of principal and interest owing thereon in excess of \$500.00, and \$7,586.50 in actual collection expenses, pursuant to O.C.G.A. § 13-1-11;

3. The principal amount of \$69,426.60, plus interest at the legal rate from the date of entry of this Consent Judgment, reflecting the amount owed by Trackside on its account with Pirelli;
4. The amount of \$350.00, which constitutes the costs of this action;
5. Trackside's Counterclaim is dismissed with prejudice.

This Consent Judgment shall be without prejudice as to any post-judgment discovery in aid of the judgment pursuant to Fed. R. Civ. P. 69(a)(2),



Signed: July 7, 2010.

Martin Reidinger
United States District Judge

WE CONSENT:

TRACKSIDE RACERS SUPPLY, INC.

/s/ Harry James Kuykendall, President

/s/William E. Cannon, Jr.
Brown, Ward & Haynes, P.A.
370 N. Main Street, Suite 300
Waynesville, NC 28786
Counsel for Defendant
Trackside Racers Supply, Inc.